

HCS HB 104 -- STUDENT FREEDOM OF ASSOCIATION ACT

SPONSOR: Haahr

COMMITTEE ACTIONS: Voted "Do Pass with Amendments" by the Standing Committee on Higher Education by a vote of 10 to 2. Voted "Do Pass with HCS" by the Select Committee on Education by a vote of 7 to 2.

This bill prohibits an institution of higher learning from taking any action or enforcing any policy that denies a religious student association any benefit available to other student organizations or from discriminating against a religious student organization with respect to the benefit based on any of the religious requirements or leadership standards placed on the organization.

The bill prohibits any institution of higher learning from substantially burdening a student's exercise of religion unless the institution can demonstrate that application of the burden is in furtherance of a compelling interest of the institution and is the least restrictive means for doing so.

Any student or religious student association that has been aggrieved as a result of a violation of these provisions may assert the violation as a claim or defense in a judicial or administrative proceeding against the public institution of higher learning and obtain appropriate relief, including damages.

PROPONENTS: Supporters say that religious organizations are forced to allow leaders that do not share the beliefs of the organization to join their organizations, but other campus organizations are not being targeted by this requirement. The bill prohibits colleges and universities from enforcing policies that deny benefits to student organizations that require leaders or members to adhere to certain beliefs.

Testifying for the bill were Representative Haahr; Joshua Hawley and Carl Esbeck, Professors of Law, University of Missouri; Curtis Cole and E. Scott Martin, Chi Alpha Campus Ministries; Missouri Family Network; John Drage; Ryan Wampler, Veritas; Missouri Family Policy Council; and Gregory L. Jao, Intervarsity Christian Fellowship.

OPPONENTS: There was no opposition voiced to the committee.